

MEMO ENDORSED

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**COMMODITY FUTURES TRADING
COMMISSION,**

Plaintiff,

v.

**EDDY ALEXANDRE and
EMINIFX, INC.,**

Defendants.

Case No.: 22-cv-3822

Judge Caproni

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 06/04/2024

**NOTICE OF INTENT TO OPPOSE THE ADOPTION OF THE
EIGHTH FINANCIAL REPORT FROM THE EMINIFX RECEIVERSHIP FOR DEFECTS
AND MOTION TO STAY ITS APPROVAL PENDING OPPOSITION**

NOW COMES, Eddy Alexandre, ("Mr. Alexandre", the "Defendant"), pro se, notifying the court of his intent to oppose the adoption of the 8th financial report of the Receiver of EminiFX, Inc.

The Receiver's reports in its eighth Edition continues to provide data that are "not" conformed to Generally Acceptable Accounting Principles (GAAP) after 23 months of operations and having access to significant resources available to produce reports that are audited and/or conformed to the accounting standards in the United States of America. What we have is a collection of beautiful documents put together without regards to the accounting standards that this court should have demanded that they follow, by respect for the Court, and for the investors and the defendants in this instant action.

The CFTC "must" adhere to the federal standards from regulations 17 C.F.R 5.1, et seq., & 5.1(g) more specifically that stipulates in clear and unequivocal way the manner in which, and the standards for the financial reports the CFTC should produce (must be a GAAP report.) Hence, the Receiver they hired for this action, and requested for the court to keep in place, should also keep in mind that a report that is not conformed to these standards(GAAP) falls short for that type of enforcement action and proceedings by the CFTC, and fails from satisfying the mandate from Congress when satisfying statutes and regulations to keep the federal agencies honest.

Mr. Alexandre has been patiently waiting for 24 months for WHEN a standard financial report would be produced by this Receiver, when we know how many hundred millions of dollars are at stake in this matter. There is no excuse whatsoever as to the reason why the Receiver is obstinate in producing sub par or creative accounting reports, inter alia, 8 status reports submitted as evidence to the court thus far, in total contrast to the CFTC's own set of binding Federal Regulations requirements. Supra.

This is by no means a judgment to the Receiver himself but an opposition to the method used to support the CFTC's enforcement action in an effort to bypass the mandate of Congress (GAAP accounting reports required) when regulating interstate commerce for all financial instruments falling under the purview of the CFTC.

Because this suit is a CFTC-led action, we should all abide by these standards as they are reflected in the Complaints as framework for the allegations against the Defendants herein. The exact allegations that the CFTC is using against the Defendants require GAAP reports and NOT creative accounting reports printed in full color, carefully crafted to reach an impression. We know, from the millions of dollars charged as expenses for managing the EminiFX Estate to date, that the Receiver has the financial means and secured the approval of the court to hire over 60 professionals "required" to get the job done the right way. The fact that the end result is sub par is raising eyebrows and can only be part of a grand scheme to persist in the production of creative accounting reports versus standardized accounting reports for all to see. From the standpoint of a first reading, this is unacceptable at this stage and the stakes are too high to allow continuance without demanding accountability for such conduct.

There are other fundamentals aspects of the reports concerning defects and omissions that need reconsideration but will take a few days due to the sheer volume and complexity of the document. The investors deserve clarity.

WHEREFORE, Mr. Alexandre hereby submits this notice to the Court to stay any approval of this report, as submitted, pending the submission of the upcoming motion in opposition to the eighth Receiver's report, that will be filed on May 22, 2024 with the court.

Respectfully submitted,

DATED: 5 / 18 / 2024



Eddy Alexandre
Reg. No.: 00712-510
PRO SE REPRESENTATION
FCC Allenwood-Low
P.O. Box 1000
White Deer, PA 17887

Application DENIED. The Receiver is a court-appointed agent and is not part of the CFTC. The Eighth Status Report was filed on April 26, 2024, and required no court action.

SO ORDERED.



06/04/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**COMMODITY FUTURES TRADING
COMMISSION,**

Plaintiff,

v.

**EDDY ALEXANDRE and
EMINIFX, INC.,**

Defendants.

Case No.: 22-cv-3822

Judge Caproni


CERTIFICATE OF SERVICE

I hereby declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that on this date I caused a true and complete copy of the attached to be served, in placing same in a sealed envelope and routing it for mailing certified, via first class U.S. mail with a return receipt, with postage thereon fully prepaid, a true copy thereof to the following interested party/ies:

The Clerk of Court
United States District Court
Southern District of New York (SDNY)
U.S. Courthouse - 500 Pearl Street
New York, NY 10007

Date:

5/15/2024


Eddy Alexandre, pro per

Reg. No.: 00712-510

FCC Allenwood-Low

P.O. Box 1000

White Deer, PA 17887

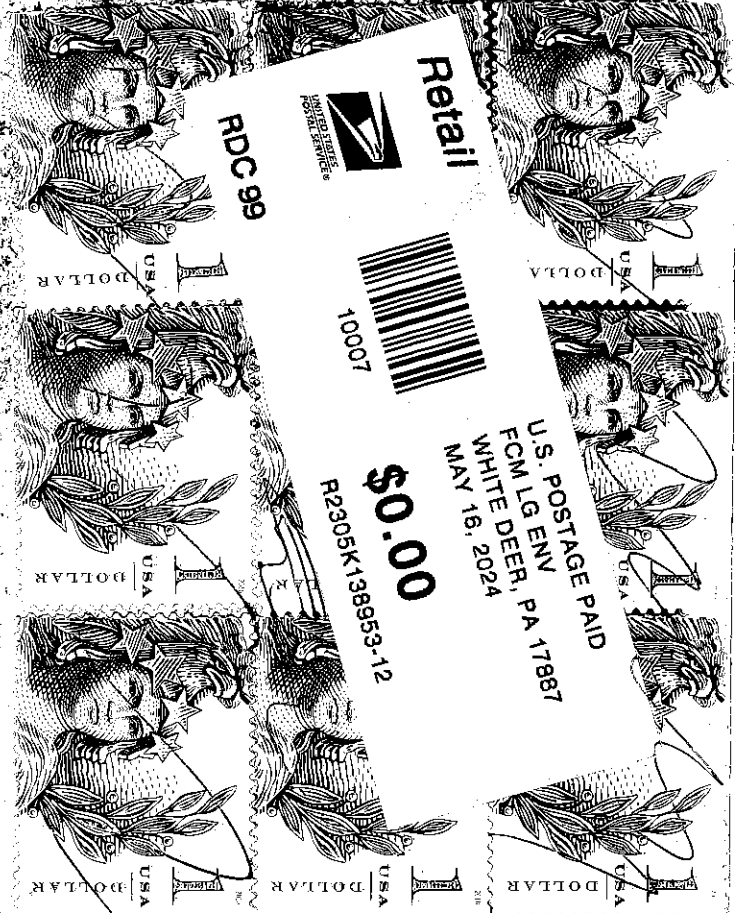
LEGAL-MAIL (Open only in the presence
of the inmate)

Eddy Alexandre
Reg. No.: 00712-510
FCC Allenwood-Low
P.O. Box 1000
White Deer, PA 17887
Legal-Mail (Open only in the presence of the
inmate)

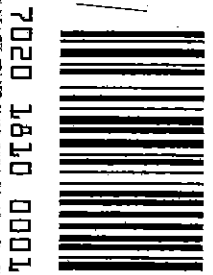
RECEIVED
SDNY PRO SE OFFICE
2024 MAY 22 AM 10:38

USMP3
SDNY

The Clerk of Court
United States District Court
Southern District of New York (SDNY)
U.S. Courthouse - 500 Pearl Street
New York, NY 10007-1312



RECEIVED
MAY 20 2024
CLERK'S OFFICE
S.D.N.Y.



CERTIFIED

8060